



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 14.13

Subject: Confidentiality of Child Protective Services Cases and Information

Supersedes: DCS 14.13, 05/01/01

Local Policy: No

Local Procedures: No

Training Required: No

Approved by:

Effective date: 05/01/01

Revision date: 01/01/02

Application

To All Department of Children's Services Child Protective Services Case Managers, Team Leaders, Team Coordinators, And Regional Administrators

Authority: TCA 37-1-409 [2] [b,c,d,e]; 37-1-612; 37-5-106

Policy

All information that the Department of Children's Services obtains about parents, alleged perpetrators, children, and the reporter during a CPS investigation is confidential information; therefore, CPS information must not be released except under the conditions as described below.

Procedures

A. Personnel or individuals with a legitimate "need to know"

1. DCS has identified certain agencies and professionals as having a legitimate need to know about information gathered during a CPS investigation. The team leader, in consultation with DCS legal counsel, will determine the information appropriate for release. CPS investigative information may be released to the following personnel:
 - a) Staff or individuals responsible for supervising or administering the DCS program,
 - b) Staff or individuals involved in delivering services to the family in a case,
 - c) Professionals providing case consultation,

- d) Any state licensing agency that licenses programs serving children,
 - e) Appropriate DCS clerical staff, and
 - f) DCS Internal Affairs
2. Other agencies, professionals and individuals with whom CPS investigative information may be shared:
- a) Child's primary caretaker or parent with any custodial rights,
 - b) Child Abuse Review Team (CART),
 - c) Child Protective Investigation Team (CPIT),
 - d) Foster Care Review Board (FCRB),
 - e) Professionals who are providing treatment for the child, the perpetrator, or the non-offending parent,
 - f) Teaching professionals or child care providers,
 - g) Local, state, or federal law enforcement agency investigating a report of known or suspected child abuse or crimes against children,
 - h) District Attorney General or U.S. attorney (or authorized assistants) representing the judicial district involved in the case,
 - i) Court holding jurisdiction over a case, including divorce cases,
 - j) Grand jury, by subpoena,
 - k) Guardian ad litem assigned to the child,
 - l) Other persons as ordered by the court,
 - m) Other state or federal agencies investigating cases of child abuse or neglect,
 - n) State and local Child Fatality Review Teams,
 - o) Probation or parole officers preparing pre-sentencing or other court related reports or supervising probationers or parolees,

- p) Individuals, who are conducting scientific and governmental research on child abuse and neglect, provided that the Department has formally approved such research.

**B. Release of
information to
perpetrators**

Certain limited information may be released to perpetrators as part of the notification of due process rights in classification hearings as per DCS policy 14.11, *Child Protective Services Due Process*, or for appeals of the classification findings as described in DCS policy, 14.10 *Child Protective Services Commissioner's Case File Review of Indicated Neglect or Abuse Investigations*).

Forms

None

Collateral Documents

None

Standards

None